UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.246
14 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 246th MEETING

Held at Headquarters, New York,
on Wednesday, 26 January 1994, at 3 p.m.

Chairperson: Ms. UKEJE
(Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

In the absence of Ms. Corti, Ms. Ukeje, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second reports of Zambia (continued) (CEDAW/C/ZAM/1-2 and Amend.1)

1. At the invitation of the Chairperson, Ms. Chigaga (Zambia) took a place at the Committee table.

2. Ms. CHIGAGA (Zambia) said that she would reply to questions posed by members of the Committee, starting with some of a general nature. Firstly, female circumcision was not traditional in any region of Zambia. Zambian tradition emphasized personal hygiene in pubescent girls.

3. There was indeed, however, a significant problem of violence against women in Zambia, particularly in the form of wife-battering. That practice had its roots in the widespread conviction that the husband had the right to discipline and chastise his wife. Some women even felt that for their husbands to beat them was a show of affection. Furthermore, law enforcement agencies were also reluctant to get involved in cases they classified as domestic disputes. Under the Zambian penal code, violence against women was a crime and ranged from simple assault to assault causing grievous bodily harm. The Government had been encouraging the prosecution of offenders, but most victims of such violence were not prepared to press charges. In the worst cases, women were not even willing to admit that they had been battered, possibly out of fear of further reprisals or of the dissolution of their marriage. It was important to bear in mind that most women were economically dependent on their husbands.

4. As stated in the addendum to the initial and second reports of Zambia, Zambian law recognized equality between men and women in regard to their legal capacity; it accorded them the same legal status, the same right to sue or be sued. Under the law, members of either sex were treated as legal entities without distinction as to gender. Furthermore, Zambian law granted equal citizenship rights to men and women.

5. If at least one of the parents of a child born in Zambia was a citizen of that country, that child became a citizen at the date of his birth. That law, which did not discriminate between the sexes, constituted an improvement: previously a child born to a Zambian father had been automatically accorded citizenship but a child born to a Zambian woman had not.

6. While a woman married to a Zambian citizen for a period of more than three years preceding 24 July 1988 was entitled to apply for citizenship, a man married to a Zambian woman was still required, under the 1991 Constitution, to wait 10 years to qualify. That provision was a sensitive and controversial issue in Zambia where, for economic reasons, foreign men often entered into marriages of convenience in order to remain there. However, the constitutional

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article in question was under review, and stood to be amended in the near future.

7. The Women in Development (WID) unit of the Department of Planning and Development Cooperation functioned as coordinator of development and human rights issues related to women. Its responsibilities included organizing seminars to raise the consciousness of the community with regard to the situation of women, to gather information and materials, and to contribute to the development of plans and budgets. While the WID unit had not yet fulfilled its objectives, it was setting up mechanisms to facilitate the advancement of women.

8. The question had also been posed as to the impact of non-governmental organizations on the Women's League and the WID unit. Traditionally, the Women's League in Zambia had been a political wing of the party, and its members' beliefs and traditions had often conflicted with those of the members of non-governmental organizations, who were mostly educated, professional women interested in exploring such concerns as inheritance and bride price. The WID unit was the governmental department that interfaced with non-governmental organizations concerning women, which in turn supplemented its work with their generally broader and more varied range of interests. The non-governmental organizations had, for instance, arranged seminars and had participated in media forums related to women's issues. They were involved in the revision of educational curricula and texts, in cooperation with the National Curriculum Development Department of the Ministry of Education.

9. The slow pace at which the status of women was advancing in Zambia could be attributed to a combination of factors. Firstly, Zambian culture frowned on women perceived as dominant, and custom and practice did not encourage women to excel. Education had had a beneficial influence: both parents and children had learned to value the benefits of education for girls, and women were beginning to assert themselves. Unfortunately, under the structural adjustment programmes, the Government had been obliged to trim educational programmes, which had, temporarily it was hoped, slowed down that process. It was indeed the case that certain traditions prevented women from fully enjoying their rights. The woman bore complete responsibility for maintaining the home and caring for the children; men never shared those duties. Though young women were sometimes employed before marriage, it was impossible for them to pursue their careers after childbirth. Day-care centres were a new phenomenon, rare, expensive and entirely urban.

10. It was expected that girls would prepare for their future role as wives and mothers and their education was therefore traditionally accorded little value. Boys, on the other hand, were considered responsible for supporting their extended families, and all available family resources went into their educations.

11. In the reformed Constitution, article 23 had been amended to state that no law should make any provision that was discriminatory either of itself or in its effect. Any citizen could therefore challenge an alleged discriminatory act in a court of law. The current constitutional review had been undertaken to obtain the approval of the general population, because at the time of the 1991

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constitutional amendment process, several political parties had boycotted the exercise.

12. The eradication of all "customary laws" was not under consideration. Such "laws" were in fact traditions and had not been written into law. Furthermore, all "customary laws" were not necessarily negative; the Constitution, of course, prohibited the practice and enforcement of those which were deemed to contravene the basic principles of justice.

13. In Zambia, a widow had custody of her children. In exceptional circumstances, when she was not in a position to care for them owing, for example, to ill health or economic incapacity, the extended family took charge of the children. In fact, the custody issue arose only in urban settings, on the death of one of two working parents. In rural settings, the extended family live within the confines of a single village, and in the event of the death of a husband, his brothers would pool their resources to provide for the widow's household. If the children were taken away from her, she could petition the High Court for their return.

14. The subsequent report would fully address the issues raised by article 3 of the Convention, including a detailed discussion of the budget and of the structure of the national machinery. It would also furnish a detailed description of the situation of women in Zambia, including, in particular, traditions and customs that had an impact on their lives. It would be useful, if the Committee could specify which customary laws were of particular interest and concern.

15. With respect to article 4, the subsequent report would provide information on temporary special measures and on the coordination of related activities, as well as on the results of the Fourth National Development Plan in regard to women and development.

16. Under the Zambian educational system, boys and girls had the same teaching staff and curricula, and sat the same examinations. Over 90 per cent of Zambian schools were coeducational. A much larger percentage of boys attended secondary school; however, many girls dropped out of school by grade 7. Under government policy, the secondary school entrance examination set a lower qualifying mark for girls, so as to enable more girls to have access to both secondary and technical school education. Though that measure was generally viewed as positive discrimination, there were those who felt that women should compete with men on an equal footing.

17. Where article 5 was concerned, divorce could be obtained by women in Zambia, where there were two types of marriages. Those under the Marriage Act had international status and petitions for divorce could be processed either in the High Court of Zambia or abroad. Marriages under customary laws, especially in the rural areas, which required payment of a token bride price, could be dissolved only in local courts. Payment of dowries was accepted. Traditionally, widows had always been well protected, although the advent of the money economy had led to an upsurge of ill treatment of widows, especially in the urban areas, by female relatives who claimed the property of the deceased husband.

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18. With respect to article 6, there was no trafficking of women in Zambia. While prostitution existed in the country, the law required that any woman arrested as a prostitute should be charged and prosecuted in a court of law. Any person accused of a misdemeanour, including prostitution, could also sign the admission of guilt form.

19. Regarding the high illiteracy rates among women, and the questions asked in connection with article 10, she said that Zambia had excellent community-based functional literacy programmes in both urban and rural areas which had been very effective in improving women's literacy. The reasons for the high drop-out rate for girls were mainly economic. Large family sizes and the weight of tradition forced parents to opt for sending boys rather than girls to school. However, there were ongoing studies on the issue.

20. Regarding article 11, while the Government was committed to providing jobs for women, there had been a contraction of jobs as a result of the structural adjustment programme which was expected to lead to an expansion of the job market in the long term. No policy existed to guide women in the selection of their professions, although in certain professions it could be said that there was an element of orientation.

21. Concerning reproductive rights (art. 12), it was very difficult for a woman to have control over such rights as traditionally the purpose of marriage was to have children. However, family planning was encouraged in order to decrease the country's current high birth rate. In that regard, the use of contraceptives was very widespread. Abortion was allowed only on medical grounds following the recommendation of three medical practitioners.

22. A high fertility rate of 7.2 coupled with a declining mortality rate estimated in 1990 at 17.5 per thousand accounted for Zambia's high population growth rate of 3.2 per cent per annum. The population structure had resulted in a high dependency ratio triggering a greater demand for basic social services. There was considerable internal migration, especially from rural to urban areas, resulting in a steady rise in urbanization which in turn led to considerable strain on urban infrastructure, social services and on the economy as a whole.

23. While the imbalance in the population could not be explained by out-migration of men, which was not an important factor in Zambia, it could be attributed partly to natural causes, that is, higher female birth rates and higher male death rates. While she was not in a position to provide data on mortality rates for women, the general death rate was about 18 out of every hundred people.

24. Under the Employment Act, employed women were entitled to three months of paid maternity leave after two years of service and at intervals of two years. That was considered a good policy which encouraged family planning.

25. The mortal diseases affecting women were malaria, pregnancy disorders, delivery complications, genital urinary system disease, accidents and injuries, respiratory diseases and AIDS-related complications in that order of importance.

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26. The responses relating to questions raised under articles 14 to 16 on the situation of rural women and a detailed analysis of the operations of the Women in Development Department would be deferred to the next report.

27. In conclusion, she noted that women in Zambia had not benefited as much as men had from the services and opportunities in the country. Their workload in the home was disproportionately larger than that of men because of gender roles assigned by an oppressive economic, social and cultural heritage. Women lagged behind men in all fields. The Zambian Government was committed to the promotion of human rights without regard to discrimination on the basis of gender, and recognized the right to work. However, the structural adjustment policies had had a disproportionately negative impact on women's advancement. Pre-existing inequalities meant that women and others with less access to resources like education, employment, credit and technological know-how suffered more. The restructuring process could take up to five years but, in the new liberal environment, measures were being taken to enable women to attain a quality of life that would in the long run, be equal to that of men.

28. Ms. ABAKA said that in her country, Ghana, all customary marriages must be registered and the partners had the same legal rights enjoyed by partners under statutory marriage. Ghana was willing to share with Zambia its experience concerning the regularization of that issue.

29. Ms. OUEDRAOGO said that she did not agree with the representative of Zambia that customary laws could not be changed. While all customs in Zambia might perhaps be positive, there were customs in her country, Burkina Faso, which adversely affected the health, well being and development of women, such as female circumcision and forced marriage. While customs that reflected positive values should be retained, Africa, which was going through a period of transition, should undertake an objective analysis of its customs and traditions in order to reject those that were negative.

30. Ms. SCHOPP-SCHILLING said that in its subsequent report, the Government of Zambia should examine pre-colonial traditions and customs in relation to the various articles of the Convention.

31. The CHAIRPERSON said that her country, Nigeria, had undertaken a codification of customary laws and had instituted a means of registering customary marriages so as to stipulate the corresponding rights and obligations. Zambia might wish to draw inspiration from them. There was a need to sensitize Zambian women to the fact that violence did not mean love.

32. Ms. CHIGAGA (Zambia) welcomed the comments made, and said that the various observations and concerns would be reflected in her country's next report.

33. Ms. Chigaga (Zambia) withdrew.

Combined initial and second periodic report of Guatemala (continued) (CEDAW/C/GUA/1-2)

34. At the invitation of the Chairperson, Mrs. Archila and Ms. Recinos-Hernandez de Maldonado (Guatemala) took places at the Committee table.

35. Mrs. ARCHILA (Guatemala) said that it was very important to take into account the socio-economic and political situation of a country in determining what could be done in respect of laws and their application. That consideration applied to some of the questions that had been asked about laws which were regarded as discriminatory.

36. Clarification had been requested regarding the action of unconstitutionality that had been brought before the Constitutional Court in respect of some articles of the Civil Code. In the action, the complainant had alleged that article 81 of the Civil Code was unconstitutional because it established a different marriageable age for boys and girls, thereby violating the principle of equality enshrined in article 4 of the Constitution. The Court had concluded that that provision was not discriminatory because it was in the interests of the family and of society. The complainant's allegation that article 89, paragraph 3, of the Civil Code concerning waiting periods for women before remarriage was unconstitutional had also been rejected by the Court.

37. Regarding the complaint that article 109 of the Civil Code, whereby the husband was the legal representative of the spouses, was unconstitutional, the Court had ruled that it was not, but was in conformity with article 47 of the Constitution regarding protection of the family. The complainant had also alleged that article 115 of the Civil Code, which provided that the woman would act as the legal representative of the spouses whenever the husband ceased to do so for any reason, was unconstitutional because it violated the right of women to equality; the Court had rejected that allegation on the same grounds.

38. The Court had rejected the complainant's allegation that article 131 of the Civil Code, which provided that the husband was the administrator of the marital assets, was unconstitutional, and had noted that the wife's rights, in that respect, were also protected by articles 117, 125 and 132 of the Civil Code. The complainant's allegation that article 133 of the Civil Code providing for the transfer of administration of the marital assets to the wife in the circumstances specified in article 115, was unconstitutional had been rejected on the same grounds.

39. The complainant had alleged that article 110 of the Civil Code, laying down the duties of the husband and wife to each other and their children, was unconstitutional because it violated the principle of equality in article 4 of the Constitution; the Court had found that article 110 was not unconstitutional, that the interests of children must be safeguarded, in accordance with articles 78 and 79 of the Civil Code, and that article 110 offered protection to the wife and children.

40. The complainant had alleged that article 113 of the Civil Code was discriminatory because it provided that the wife could engage in outside occupations only if they did not interfere with her maternal and housekeeping

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duties; the Court had found that it was not unconstitutional because it accorded with the rights of children under article 78 of the Civil Code, article 47 of the Constitution on protection of the family and article 52 of the Constitution on the protection of motherhood, and that the elimination of the obligation to care for children would be contrary to the rights of the child and adolescent guaranteed in article 51 of the Constitution. The complainant's argument that article 114 of the Civil Code, whereby the husband could object to the woman engaging in activities outside the home, was also unconstitutional had been rejected on the same grounds.

41. The complainant's argument that article 255 of the Civil Code, providing for representation of minor or disabled children by the husband, was unconstitutional because it violated the right of equality had been rejected on the grounds that it accorded with the requirement of protection of the family in article 47 of the Constitution and with the concepts of responsible paternity.

42. The complainant had alleged that article 257 of the Civil Code providing that the property of underage parents had to be administered by the parent or guardian of the father was unconstitutional because it violated the principle of equality; the Court had rejected that complaint.

43. The complainant's allegation that article 317, paragraph 4, of the Civil Code, whereby women could be exempted from guardianship, was unconstitutional because it violated articles 40 and 47 of the Constitution had been rejected on the grounds that that article did not impose an obligation on women, and therefore was not discriminatory.

44. With regard to articles 81, 109, 110, 114 and 131 of the Civil Code, she noted that in practice her Government considered that because of their living conditions and their responsibilities, most Guatemalan girls were more mature than their chronological age by the age of 14. As to conjugal representation, although by law the husband represented the marriage, in practice there was a high degree of equality. No appeal had been made to the courts in that respect.

45. With regard to the protection and assistance that husbands were required to provide to their wives, the object of the law was to enable women to attend to the education and development of their children. In practice it had been found that lack of attention from either parent, and above all from the mother, caused permanent damage to the physical and emotional development of children, so that in order to ensure the welfare of children over the first few years, the mother needed to remain at home for a certain period, although she could carry out activities that were compatible with her primary function. That approach fully accorded with article 5 (b) of the Convention. Although the husband was the administrator of the conjugal property, the wife was protected in respect of the property she owned in the home. In practice, none of those articles of the Civil Code caused problems, but her Government did feel that there was a need to improve education for women so that they could educate their sons about the equality of the sexes. The National Office for Women's Affairs had submitted proposals for reforms to the Civil Code in that respect.

46. With regard to articles 232 and 235 of the Civil Code, it should be noted that the Penal Code also provided that the death penalty did not apply to women.

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47. Turning to the questions about family planning, she said that family planning had had disastrous consequences for the population and in practice women had suffered great discrimination, since contraceptive methods had been directed to them. Indigenous women were not informed about contraceptives and the associated health risks, and in many cases had been given intrauterine devices without their consent; furthermore, the use of contraceptives had been imposed in exchange for food donated by assistance bodies. It was strongly believed that the availability of contraceptives had corrupted society and encouraged extramarital affairs, leading to unwanted pregnancies and increasing the number of single mothers, and that anti-birth campaigns had led to immorality among young people, increasing the breakdown of society and the deterioration of the family as an institution.

48. With regard to article 1 of the Convention, it should be borne in mind that the Guatemalan people belonged to varied ethnic groups and had deep respect for indigenous cultural values. Population control efforts should therefore be directed towards educational programmes which would improve the standard of living and bring about balanced population growth. As to the view that the provisions of the Penal Code protecting the right to life should be repealed, such a step would in no way be an advance, but would constitute regression. The Constitution of Guatemala guaranteed the right to life and the attempt to modify that provision, as it related to abortion, had been strongly opposed by all sectors of society.

49. With regard to article 3, her Government was endeavouring to consolidate peace, and that would help women achieve balanced development, free from violence. It was not clear why the impression had been gained that the role of women in Guatemala was considered inferior to that of men, since in reality that was not the case. Perhaps those who had that impression regarded women's roles as wives and mothers as undesirable. Widows' organizations in Guatemala were gaining considerable attention, although in some cases they were being manipulated by external forces.

50. With regard to article 4, the law protected working mothers, although in practice employers were reluctant to hire mothers.

51. In connection with article 5, work was being carried out in the private sector on educational programmes aimed at enabling men to recognize the contribution of women to society and involving men actively in the education of children. The Office for the Defence of Women's Rights was carrying out educational campaigns to eradicate violence against women. The results of these efforts would be described in the third report.

52. On the question of prostitution, her Government felt that all evils derived from the lack of basic education and it was trying to make work available, provide training to women, and inculcate among the people the values of respect for human dignity. With respect to the participation of women in political life, a number of women were participating actively at both the national and international levels.

53. The measures being taken to combat the traditional cultural stereotypes of the respective roles of men and women included the promotion, through

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educational programmes, of the concept of the complementarity and equality of the sexes so that men and women alike could contribute to the development of society with the same freedoms and responsibilities. Guatemala's third periodic report would contain information on the specific programmes that had been implemented towards that end.

54. With regard to the suggestion that co-educational schools should be encouraged, the adverse reaction of the population reflected the right and duty of parents to determine what type of education their children should receive. Guatemalans viewed same-sex schools as offering better protection for girls rather than discriminating against them. She found it strange that the Committee should recommend further cost-cutting in the area of education rather than providing increased assistance, since the development of a society depended on the education of its population.

55. On the subject of discrimination against women in the field of employment, she reported that women were free to organize themselves in Guatemala but that, given the prevailing cultural norms and the general satisfaction of the population with the structure of society, there were relatively few women's groups.

56. On the question of the access of women to health care and family-planning services, she said that family-planning agencies conducted extensive, country-wide information campaigns and had established clinics which were accessible to the population of all the country's departments. While indigenous communities had equal access to such services, there was still resistance on their part to family-planning methods which were not in keeping with their traditions and customs.

57. The Government of Guatemala firmly rejected the suggestion that educational patterns regarding the role of women in the family should be changed, since the experience of those countries which had effected such changes was not at all encouraging. Indeed, the excesses associated with the promotion of equality between the sexes had adversely affected other societies. In Guatemala, there was equal treatment for men and women in the field of employment, occupational training and remuneration. Furthermore, Guatemalan workers enjoyed certain benefits which even workers in the developed countries did not have.

58. The Government of Guatemala would carefully consider all the opinions and recommendations of the Committee in its efforts to implement the provisions of the Convention more fully.

59. Ms. RECINOS-HERNANDEZ DE MALDONADO said that, if the Committee so wished, she could provide statistics on specific programmes which had been implemented in Guatemala for the benefit of women.

60. The CHAIRPERSON said that the information should be communicated to the Committee in writing.

61. Ms. BUSTELO said that the Convention whose implementation was being monitored by the Committee was a human rights instrument. The 1993 World Conference on Human Rights had declared that human rights were indivisible and interdependent. It had further declared that, notwithstanding national and regional characteristics or the particular cultural traditions of a society, States were obliged to protect the fundamental rights and freedoms of their populations. While economic development contributed to the enjoyment of human rights, lack of development was no excuse for a State's failure to protect internationally recognized human rights. The Vienna Conference had also declared that the rights of women and girls were an indivisible part of human rights and that the elimination of all forms of discrimination based on sex should be one of the priority objectives of States and the international community.

62. The Government of Guatemala had ratified the Convention without reservations. Article 16 of that Convention provided that States parties should take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular should ensure, on a basis of equality of men and women, the same rights and responsibilities during marriage and at its dissolution; the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise those rights. It was now incumbent on the Government of Guatemala to bring its national legislation into line with the provisions of the Convention. It was incomprehensible to her that the rulings of the Constitutional Court of Guatemala should be so utterly at variance with the Convention. As mankind approached the end of the twentieth century, the international community could not accept principles and theories on the respective roles of men and women based on their different capacities. The Government of Guatemala must review its existing legislation, particularly the provisions concerning equality in marriage. Failure to do so would represent a serious setback for the economic, cultural and social development not only of women in Guatemala but of the country as a whole.

63. Ms. GARCIA-PRINCE noted that the Government's past inability to send a representative to the Committee in New York was an indication of its lack of interest in women's affairs. Although the many questions posed by the Committee on the presentation of the combined initial and second periodic reports had finally forced the Government to send a representative, the statement she had read out merely raised further questions and increased the concern of members of the Committee. As a Latin American herself, she was painfully aware of the situation of women in Guatemala. Indeed, a women's interparliamentary group had recently held a meeting in that country. Regrettably, the work accomplished at that meeting had not been reflected in the Government's report. That failure indicated the tremendous gap which existed between the work of women's groups in Guatemala and the positions adopted by the Government in international forums.

64. The Civil Code of Guatemala was Napoleonic and discriminatory in its content. Moreover, the Government had failed to acknowledged the efforts being made by women throughout the world to achieve equality with men. The claim that women's rights ran counter to family values, the prohibition against work by women and the views expressed that family planning destroyed family values and

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corrupted young people highlighted the gulf between government policies and international realities. The contradictions inherent in the report must be urgently corrected. The Government of Guatemala must carefully review the recommendations of the Committee, and should be requested to report to it within two years on the specific action which it had taken to amend its misogynist and discriminatory legislation and to bring it into line with the Convention.

65. Ms. SCHOPP-SCHILLING said that the Civil Code of Guatemala was clearly incompatible with the Convention, and failed to protect the human rights of women as provided for in the Convention and other human rights instruments. The national legislation was based on outdated stereotypes of the sexist roles of men and women. It was well known, however, that legal norms were not eternal but rather corresponded to contemporary social realities. The human rights protected in the Convention were an example of those norms. The Government of Guatemala must therefore review its national legislation in order to bring it into line with the provisions of the Convention.

66. Ms. ILIC said that the incompatibility between the provisions of the Convention and the national legislation of Guatemala was due to a lack of understanding on the part of the Guatemalan authorities and could therefore be corrected. The Government should request the assistance of the United Nations in amending its laws to bring them into line with the Convention.

67. Ms. AOUIJ said that when a State ratified the Convention it committed itself before the international community to respect its provisions and to bring its national legislation into line with those provisions. The Committee's concern was due to the absence of any indication whatsoever that the Government of Guatemala was taking any steps in that direction. Indeed, the report contained no information on amendments to the legislation pertaining to the status of women, for example, nor did it indicate that the political will existed to change the current order of things.

68. Ms. RECINOS-HERNANDEZ DE MALDONADO (Guatemala) said that she had taken careful note of the observations made. Her Government would request the assistance of the United Nations in preparing its third periodic report. Her delegation had read out the ruling of the Constitutional Court of Guatemala, since the ruling had been requested by the Committee. She wished to assure the Committee that reforms were being undertaken in Guatemala. Both the Penal Code and the Civil Code were being amended. Efforts were being made, for example, to ensure that adultery by women and men was punished equally. Her colleague from Guatemala was actively involved in NGOs which defended the rights of women in Guatemala, and particularly the rights of indigenous women. Her delegation had sought to convey to the Committee the mindset of women in Guatemala and to describe the general social context in which the reforms would be undertaken. It was not possible to impose measures on women. Certain agencies, for example, had advocated abortion where parents lacked the means to provide for additional children. It had been proven, however, that family planning had been most successful where it had been based on natural methods more in keeping with the outlook of Guatemalan women. Nevertheless, her Government would heed the advice given by the members of the Committee.

69. The CHAIRPERSON said that the economic and structural problems facing Guatemala had had a disproportionate effect on women, particularly rural women. The Government of Guatemala had ratified the Convention without reservations, however, and the Committee would therefore like to see increased efforts by the Government to live up to its responsibilities under the Convention. The elimination of discrimination was no easy task and she hoped that the following report of Guatemala would show that some progress had been achieved.

The meeting rose at 6.10 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.247
11 March 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 247th MEETING

Held at Headquarters, New York,
on Thursday, 27 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

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Statement by the Director of the United Nations Development Fund for Women

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DIRECTOR OF THE UNITED NATIONS DEVELOPMENT FUND FOR WOMEN (UNIFEM)

1. At the invitation of the Chairperson, Ms. Capeling-Alakija (United Nations Development Fund for Women (UNIFEM)) took a place at the Committee table.

2. Ms. CAPELING-ALAKIJA (Director, United Nations Development Fund for Women (UNIFEM)) said that it had taken a long time for UNIFEM and CEDAW to come together, because until recently issues of equality, development and peace had been seen as separate concepts.

3. Development could be defined as a process that sought to enlarge people's choices. UNIFEM had initially focused on economic and social development, but it had become increasingly evident that without the full participation of women in development, the viability of development efforts would be compromised. The pillars of UNIFEM's mandate were the participation of women in the economic and social life of their community, recognition of their current and potential contributions, and their access to resources, both human and financial, and to leadership and decision-making positions. In order for the Fund to fulfil its mandate, discriminatory laws, policies, practices and customs must be removed.

4. Although many human rights issues had originally been considered to be outside its mandate, UNIFEM was currently developing an overall human rights programme. Women's groups had turned to UNIFEM requesting financial resources for their campaigns to stem violence against women, and the Fund had, as a matter of conscience, begun to include financial support for such groups in its budget. It had then requested a policy paper on violence against women as a development issue, and as a result of that landmark document, it had become evident that violence undermined women's contribution to development.

5. The women's rights programme had three objectives: to strengthen the women's human rights movement and the global campaign for women's human rights; to increase the access to international human rights machinery for women in developing countries; and to improve accountability on such issues, including assistance in the development of stronger indicators.

6. UNIFEM was already engaged in the global campaign for ratification of the Convention on the Elimination of All Forms of Discrimination against Women and was preparing information kits on the Convention for UNICEF. It was working with the Statistical Office on the 1995 edition of "The World's Women" to strengthen the section on women's human rights and CEDAW. It was also collaborating with UNDP on the Human Development Report for 1995 that would focus on gender, to include indicators on women's ownership rights, etc.

7. Ms. Capeling-Alakija withdrew.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Senegal (CEDAW/C/SEN/2 and Amend.1)

8. At the invitation of the Chairperson, Mr. Fofana and Ms. Londiaye (Senegal) took places at the Committee table.

9. Mr. FOFANA (Senegal), introducing his country's second periodic report (CEDAW/C/SEN/2 and Add.1), said that in May 1988, the population had been estimated at 7,300,000, of whom, 4,000,000 were women. The average rate of population growth between the 1976 and 1988 censuses was estimated at 2.7 per cent. There were seven major ethnic groups, six spoken languages and three major religions; 94 per cent of the population were Muslims.

10. The infant and child mortality rates were 8.6 per cent and 11.3 per cent, respectively, and the maternal mortality rate was 450 per 100,000 births in urban areas and 950 per 100,000 in rural areas. The mean fertility rate was close to 6.9 children per woman of child-bearing age. The median age at first marriage was 16.6 years. Illiteracy among women aged 15 to 49 had dropped from 86.8 per cent in 1976 to 79 per cent in 1988 as compared with 78.1 per cent and 62.6 per cent for men.

11. The socio-economic situation continued to be influenced by a number of negative factors, including the impact of highly unfavourable terms of trade on the country's main exports, peanuts and cotton; a 20-year drought; the crushing burden of external debt; and the painful consequences of austerity measures linked to structural adjustment. While national income had increased by 4.7 per cent in 1990 and the inflation rate had decreased by 10 per cent from 1984 to 1989, the employment rate had been declining steadily, and in 1992 it stood at 28 per cent. Of those employed, 92 per cent worked in agriculture.

12. Senegal had acceded to a large number of international human rights instruments. Since, according to article 79 of the Senegalese Constitution, international law took precedence over domestic legislation, they now formed part of domestic law. Basic rights were protected by the courts, the Council of State, the Mediator of the Republic, who had oversight over the executive branch, and parliamentary commissions of inquiry. About a dozen non-governmental organizations monitored the actions of the authorities and reported all human rights violations to the United Nations and Organization of African Unity (OAU) monitoring mechanisms. A Senegalese Human Rights Committee, established in 1965, assisted the Government in designing and coordinating human rights policy and kept the Government informed of violations in that area.

13. Through the efforts of the Senegalese Human Rights Committee and non-governmental organizations, the provisions of all international instruments to which Senegal was a party had been widely disseminated. Some 3,000 women's groups had prepared comments on the Convention.

14. Following independence, the authorities had taken steps to improve the status of women, which had greatly deteriorated under colonialism, and the

(Mr. Fofana, Senegal)

Government had ratified all international women's rights instruments. The Ministry for Women's, Children's and Family Affairs had been established in 1991, and a strategy for improving the status of women had been developed, based on three priorities: promoting better working conditions for women, helping families to make better use of their resources, raising the general standard of living, especially in the area of health education.

15. The proclamation of the International Women's Year in 1975 and of the United Nations Decade for Women had aroused awareness of women's subordinate status in society. As part of the activities for the Decade, the National Fortnights of Women had been established, the purpose being to draw national attention to issues affecting women through a series of debates which were given broad coverage by the media. In addition, a national plan of action for women had been drawn up in 1982, based on survey data collected among women throughout the country.

16. Female school enrolment at the primary level had risen from 35 per cent in the school year 1965/1966 to 42 per cent, in 1990/1991 and, at the secondary level, from 24 per cent to 34.5 per cent in the same period. The number of women attending university had risen from 9.7 per cent in 1967-1968 to 22.3 per cent currently.

17. According to the 1988 census figures, 66.5 per cent of working women lived in rural areas. The overwhelming majority were employed in agriculture, with smaller numbers engaged in pastoral and fishery activities.

18. While women had very limited access to credit in the conventional banking sector, the National Agricultural Credit Bank (CNCA) of Senegal had granted a total of 43,562,447 CFA francs, to a consortium of women's groups to finance pastoral, fishery, rural trade and market-gardening activities.

19. With regard to urban employment, 1990 figures showed that women held only 8 per cent of the 72,000 permanent and seasonal paid jobs in the private sector. However, the public sector was an appreciable source of employment for women, who constituted nearly 15 per cent of the civil service employees.

20. Senegal had ratified International Labour Organization (ILO) Conventions Nos. 111 concerning discrimination and 100 concerning equal remuneration for work of equal value. That principle was also embodied in article 104 of the Labour Code and in article 36 of the national collective bargaining agreement. While the principle was respected in the public sector, since all civil servants were subject to the same job-classification and salary criteria, in the private sector, women were often paid at piece-work rates whereas men were paid at hourly rates. Article 136 of the Labour Code prohibited night work for women in all but exceptional cases.

21. In the area of women's health, genital excision continued to be practised by approximately 20 per cent of the population, especially among the Mandingo ethnic groups. The conditions under which such operations were performed, including the lack of anaesthesia, often resulted in infections, sterility and

(Mr. Fofana, Senegal)

even death. Although the authorities did not approve of the practice, which they considered more of a public health problem, they had not taken strong measures to combat it preferring, instead, to rely on women educating one another. By contrast, however, article 300 of the Code provided for severe punishment for anyone who consummated a marriage with a minor 13 years of age or younger.

22. With respect to sexually transmitted diseases (STDs), he said that, although prostitution (the practice most often mentioned as a vector for transmission of STDs) was not illegal in Senegal, it was regulated. To date, there had been 700 cases of AIDS in Senegal, 30 per cent of which were women. As in other countries, the authorities had opted for a strategy of prevention through education. A multi-disciplinary committee to combat AIDS had been established in 1990.

23. With respect to violence against women, he said that, notwithstanding specific provisions in the Criminal Code, deliberate beating of women continued to be common, especially in the home. In 1992, following one incident in which the woman had died, a march had been organized to protest such violence. Rape was also very common, even though the Criminal Code established severe penalties for rape and ruled out extenuating circumstances if the victim was 13 years of age or younger. As to sexual harassment, he said the term tended to be confused with sexual advances, which were not prohibited under the Criminal Code.

24. Although Senegal's family planning policy had been in place since 1970 and family planning services were available through 150 specialized centres, rates of contraceptive use remained low. The Government was therefore planning to consolidate family-planning programmes into a national programme. Abortion remained illegal.

25. In response to requests for information regarding governmental bodies charged with protection of women's rights, he said the establishment of the Ministry of Women's, Children's and Family Affairs reflected the Government's desire to bring together the various elements of Senegal's policy with respect to women's affairs, including the Ministry on the Status of Women and the Ministry for Social Development, among others. Also, the National Consultative Commission assisted the President in the formulation of policy regarding women and the family.

Article 1

26. On the question of measures to ensure the elimination of discrimination against women, he said that the definition of discrimination against women contained in the Convention had not been incorporated into national law to date.

Article 2

27. As pointed out in the report (CEDAW/C/SEN/2, para. 25), article 332 of the Criminal Code which had prescribed punishment for the offence of abandonment of the conjugal home (an offence applying exclusively to women) had been repealed and a new offence entitled "family abandonment" had been introduced, which applied to either spouse. The new offence was punishable by a maximum prison

(Mr. Fofana, Senegal)

term of two years and a fine of 50,000 francs. Furthermore, Senegal's National Consultative Commission had always alerted the Government to cases of sexual inequality in employment and in access to public services. Nevertheless, customs and mentalities adversely affecting the lives of Senegalese women were deeply rooted, and changing firmly held attitudes was a long-term endeavour.

Article 3

28. In the school-year 1990/1991, the total drop-out rate among Senegalese schoolchildren had been approximately 30 per cent. The drop-out phenomenon was related to the high rate of population growth in the school-age population and the inability of the school system to accommodate everyone. Girls who left the school system could receive training in sewing, child-care, hygiene and similar fields at specialized institutions.

Article 5

29. In response to questions concerning article 19 of the Senegalese Family Code, which set out the conditions under which a spouse had the right to take over management of household property, he said that the initial draft of article 19 had not been explicit in extending that right to women living at home; however, subsequent modification of that part of the Family Code had corrected the oversight.

Article 6

30. Prostitution was subject to tight controls by public health authorities in Senegal. Prostitutes were required to register with the public health service, failure to do so being punishable by a prison sentence of at least two years. Prostitutes were also required to have bi-monthly health check-ups. The women who practised prostitution in Senegal were frequently driven into the sex business by unemployment. While it was difficult to know precisely how many prostitutes there were in the country, he did not believe the number was very high. Also, procuring, which was also linked to difficulties in obtaining employment, was severely punished under the Criminal Code.

Article 7

31. Additional information had been requested regarding the conditions under which persons in general and women in particular could be deprived of the right to vote. According to article 3 of the Electoral Code, a person could be declared ineligible to vote if his or her civil rights had been taken away by reason of having been convicted and sentenced to prison or other punishment. Moreover, women in Senegal enjoyed full legal personality and were competent to act on their own behalf in all official matters. On the question of women's access to careers in public institutions such as the armed forces and the police, he said that the Government had recognized those barriers to be discriminatory and believed they would be lowered soon. Lastly, women could participate on an equal basis with men in all trade union activity and the unions in Senegal actively encouraged women to seek greater participation in the political, economic and social life of the country.

(Mr. Fofana, Senegal)

Article 9

32. The law requiring non-Senegalese husbands of Senegalese citizens to wait five years before receiving citizenship was not discriminatory in intent. In practice, the law made it possible for officials to certify that the person seeking Senegalese citizenship was thoroughly integrated into Senegalese society. The law also made it possible to limit marriages of convenience.

Article 10

33. The high drop-out rate among girls was due in part to the widely held belief that a girl's place was in the home. With the help of the Government and concerned women's organizations, attitudes of that kind should soon disappear. Indeed, one sign of progress towards that goal could be found in the women's training centres, which encouraged women to stay in contact with the educational system.

Article 11

34. Access to employment in the civil service was subject to the general rules of service set out in Law No. 61-3 of 15 June 1967. Candidates were required to meet certain criteria regarding health, citizenship, moral standing and qualification for entrance to the relevant training programme. Anyone meeting those qualifications, regardless of sex, could accede to posts in the civil service. No discrimination existed with respect to remuneration in the civil service. However, pay discrepancies were a problem in the private sector, where women were generally paid on a piece-rate basis, while men were paid by the hour.

Article 12

35. Medical care was available to all those living in the country. For example, the spouse of anyone who tested positive for HIV/AIDS was informed immediately in order to avoid the possibility of spreading the disease. Information on birth-control techniques was available at all women's and children's clinics and family planning centres. Nevertheless, many rural districts were disadvantaged in that regard as compared to urban districts, which was one reason familiarity with birth-control techniques in the countryside remained low.

Article 14

36. De facto discrimination against women continued to exist in rural areas with respect to access to land and decision-making power; however, the Government intended to apply the national laws on the question in a vigorous manner and, as a result, that particular form of discrimination would probably disappear in the near future.

Article 15

37. Previously, article 13 of the Family Code had stated that a married woman could not leave the family home without her husband's permission. The offence

(Mr. Fofana, Senegal)

of "abandonment of the conjugal home", referred to in article 332 of the Criminal Code, applied only to women. That article had been repealed in 1977, whereas article 13 of the Family Code had remained on the books until 1989.

38. On the question of the legal capacity of Senegalese women, he said that the last restriction remaining on women's legal capacity had been article 3 of the Family Code, which had permitted the husband to object to his wife's having a profession outside the home. That restriction had been repealed in 1989.

Article 16

39. The minimum legal age for marriage in Senegal was 16 years for women and 20 years for men. All persons intending to marry must give their consent officially on three separate occasions before the wedding ceremony. The choice of spouse was left to the future bride or groom, although the respective families were certainly entitled to state their views. Of the three different systems for the administration property in marriage that were recognized in the Senegalese Family Code, separation of property was the one most frequently chosen by Senegalese brides, owing to the influence of the African concept of marriage, which was very family-oriented. Upon the breakup of a marriage based on separation of property, each spouse retained his or her respective property, which had already been separated. In the case of breakup under the community property system, a judge designated a liquidator to divide the property equally between the spouses; the endowment system was not applied in Senegal.

40. On the question of support for changing discriminatory laws and practices, he said that the Senegalese Government had drawn upon the efforts of women's organizations in undertaking a vast adaptation of current laws in order to bring them into line with international instruments ratified by Senegal. Questions relating to the custom of bride price, rights of inheritance and paternal authority would no doubt be taken up in the course of the reform process.

41. While polygamy was not encouraged and entailed many legal complications it was difficult to abolish simply by enacting a law. Also, while co-habitation was not recognized under Senegalese law and couples living together in that manner benefited from a waiver of the bans of marriage, they were not permitted to disavow any children born out of wedlock. Children born out of wedlock carried their mother's family name until majority, after which time the father's family name was used. Lastly, Senegalese law prohibited forced recognition of children born out of wedlock. Such children could obtain support payments from their natural father by instituting a paternity suit.

42. The CHAIRPERSON welcomed the constructive dialogue begun between the Government of Senegal and the Committee. It was clear from the report that the Government recognized that problems existed, and that it was committed to change. Areas of particular concern were women's crushing domestic burdens, health care and education and the great disparity that existed between the situation of urban and rural women.

43. Ms. ABAKA said that a tremendous amount remained to be done to remove all direct and indirect obstacles to women's equality. The educational statistics were very discouraging, with only 36 per cent of girls enrolled in school. The

(Ms. Abaka)

Committee would be interested to know what caused girls to drop out of school and whether there was any government policy to help those drop-outs resume their education. She was disappointed to learn that it was not compulsory for a father to recognize a child born out of wedlock. That would appear to contravene not only the Convention on the Rights of the Child but also the Convention on the Elimination of All Forms of Discrimination against Women, both of which Senegal had ratified.

44. Ms. AOUIJ commended the Government on its sincere efforts to change and to respect democratic political choice. While the legal measures in place provided guarantees of rights in principle, she noted that tradition and custom remained very strong. The Government should be working to protect the rights achieved and should institute a legal literacy programme so that women, especially in rural areas, would be aware of the rights and laws in their favour.

45. She inquired whether there were any provisions in the legal system for the care of indigent persons, adding that since education was the key to development and the true basis of equality, it would be important to know whether education was compulsory for both sexes and for how many years. She would also welcome more details on reform of textbooks in order to eliminate negative images of women and sexual stereotypes.

46. Senegalese women had made a major contribution to the success of the political process in the recent elections, but their representation in Parliament was disproportionately small in comparison to their contribution. During the last election, some women who spoke only Wolof had been elected to the Parliament. She would welcome more information on that event and the views of Senegalese women on the matter.

47. The structural adjustment programme had seriously affected social programmes and the most vulnerable groups, especially women. Women had increasingly turned to the informal sector in order to generate income for their families. It would be interesting to learn what was being done to develop credit systems more appropriate to the informal sector and what actions had been proposed to protect women's interests in that area.

48. In the area of family law, no specific law existed on domestic violence. She enquired if the Government intended to pass such laws. Clarification of the incentives to choose a monogamous marriage regime over polygamy and statistical information in that area would also be welcome.

49. Ms. OUEDRAOGO inquired whether women's non-governmental organizations in Senegal had participated in drawing up that country's second periodic report. More information should be provided on the impact of programmes and practical measures to accelerate the advancement of women, particularly rural women, whose economic situation was very difficult. The reporting State should cite specific programmes to integrate women into development and provide more information on steps taken to assist vulnerable groups, such as women who were victims of violence, single mothers, prostitutes and disabled women.

50. Ms. AYKOR said that the next periodic report should indicate progress made in implementing the individual articles of the Convention and provide more

(Ms. Aykor)

statistical data on the de jure and de facto situation of women in Senegal. Referring to legislation on marriage, she inquired who was considered the head of the household under Senegalese law and how joint property was disposed of upon dissolution of a marriage. The reporting State should indicate whether studies had been conducted on the situation of women in polygamous marriages and how they perceived their situation in the family. She wished to know what happened to joint property when a second or third wife sought a divorce and asked whether women received alimony while waiting for a separation or divorce. Paragraph 210 of the second periodic report of Senegal referred to voluntary resignations from government service. The reporting State should indicate whether the women affected had in fact been asked to resign.

51. Ms. BRAVO de RAMSEY said that polygamy was an affront to the dignity of women and children, impeded the advancement of women and gave rise to various social, economic, family and legal problems. The high level of illiteracy among women and the early marriage age among Senegalese girls were also very restricting factors. The reporting State should indicate what the Ministry for Women's, Children's and Family Affairs was doing to promote the advancement of women in those areas. She was also concerned about the situation of children who were born out of wedlock and not legally recognized by their fathers. Who looked after those children, what was their legal status and whose surname were they given?

52. Ms. GARCIA-PRINCE commended the efforts of the Senegalese Government to improve the situation of women and its frank recognition of the existence of discrimination against women. Nevertheless, future reports should be more explicit and provide more statistical data on the de facto situation of Senegalese women. The next report should indicate what results had been achieved through the changes in legislation since 1991. Political parties played a very important role in promoting the advancement of women and bringing more women into decision-making positions. Paragraph 199 of the report indicated that at present, Senegal had three women ministers. She inquired whether their power was the same as that of men and why there were not more women in such important political posts. In general, there would be no substantial improvements in the social and economic situation of women until there were women in major decision-making positions.

53. The next periodic report should provide information on changes with regard to the situation of women in employment and education. The participation of women in food production in Senegal was very important and should be taken into account in the next report. She agreed with the previous speaker that the practice of polygamy was discriminatory with regard to women. Senegal's legislation in that field seemed to have the effect of promoting polygamy. Lastly, the reporting State should provide information on the practice of female circumcision and explain whether paragraph 259 of the report indicated that the Government would limit its assistance to women because of the economic crisis.

54. Ms. UKEJE commended the Government of Senegal for its frank report and the additional information provided, particulary on questions concerning structural adjustment, the debt burden and the unfavourable balance of payments, coupled with political problems. Those problems affected both developing and developed countries. Noting that members of the Committee had great difficulty

(Ms. Ukeje)

understanding the practice of polygamy in Africa, she said that in her country, Nigeria, even some educated women chose polygamy. It was an easier arrangement to get into and out of, and was generally considered preferable to prostitution. It would be very difficult to convince Africans that polygamy should be banned. Children were not disadvantaged because of it and some wives preferred it. That was the truth of the matter.

55. Ms. LO NDIAYE (Senegal) said that the questions and suggestions by the members of the Committee would help her country to find solutions to problems impeding the advancement of women. Structural adjustment policies had had a very negative effect on the population, particularly women, for they had not only reduced women's access to social services, such as good health care and education, which were essential in order to promote the advancement of women, but had also led to a cutback in jobs. As always happened in such cases, since women were less qualified they were more affected by such cuts. The voluntary resignations from government service related mainly to lower posts held by women as secretaries, office workers and clerks. The recent currency devaluation would further aggravate Senegal's economic situation.

56. Nevertheless, the Government remained committed to improving the situation of women and would seek loans from financial institutions for that purpose. It had recently mobilized $15 million in loans from the World Bank and the African Development Bank in order to carry out an intensive programme to increase functional literacy among women throughout the country. The next periodic report would take into account the views expressed by the Committee and provide a clear picture of the situation of women in Senegal.

The meeting rose at 1.20 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.248
10 March 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 248th MEETING

Held at Headquarters, New York,
on Thursday, 27 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3)

1. At the invitation of the Chairperson, Ms. Matsubara (Japan) took a place at the Committee table.

2. Ms. MATSUBARA (Japan), introducing the combined second and third periodic reports of Japan, said that the transition to a new administration in Japan had produced epoch-making changes in the status of women. In keeping with the Committee's recommendations, the views of non-governmental organizations and of the Advisory Council to the Prime Minister, who was also President of the Headquarters for the Planning and Promotion of Policies related to Women, had been taken into account in the preparation of the third report.

3. The situation of women in Japan was characterized by the progressive ageing of the female population, the decline in the number of childbirths, the trend towards higher educational attainments, the tendency of women to marry at a later age and the increase in the number of working women.

4. One of her Government's highest priorities in the area of the advancement of women was to increase the participation of women in the decision-making process. Women currently occupied prominent positions in the administration, judiciary and legislature, and the proportion of women filling managerial posts in the public and private sectors had also been increasing steadily.

5. In the area of education, home economics for boys and girls had been introduced into primary and junior high schools and would be introduced into high schools in 1994. In addition, the National Women's Education Centre had commenced operation of an on-line retrieval service for information relating to women and family, thereby enhancing its function as the core of an information network extending throughout Japan and a number of other countries.

6. On the subject of employment, the Women's and Young Workers' Council, an advisory body to the Minister of Labour, had considered measures to promote equal opportunity and treatment in the workplace and had reviewed the regulations for the protection of women contained in the Labour Standards Law.

7. Her Government believed that the harmonization of work and family responsibility was of great importance for the attainment of de facto equality. In 1992, therefore, it had enacted the Child-Care Leave Law, which covered both male and female employees. The Employment Insurance Law which provided support to those taking child-care leave would shortly be amended by the Diet. In addition, subsidies had been granted to employers who provided child-care facilities and vocational training programmes in order to facilitate the resumption of work by employees who had taken child-care leave. The Ministry of Labour had been actively encouraging the adoption of the family-care leave system. Analytical and technical studies had been undertaken to determine whether or not a legal basis existed for such a plan.

(Ms. Matsubara, Japan)

8. In the Japanese civil service, women were free to take entrance examinations in every job category. Since 1991, moreover, women had been allowed to take the examination for admission to the National Defence Academy. Also, the areas in which female self-defence personnel and female police officers were allowed to serve had been expanded.

9. In connection with gender equality and marriage in family relations, Japan had revised its private law to ensure the full equality of the sexes with respect to international marriages and adoptions. Since January 1991, a subcommittee of the Legislative Council had been reviewing the entire range of Civil Code provisions concerning marriage and divorce, and in 1992, the Ministry of Justice had published an interim report on the subject.

10. In the field of agriculture, the Ministry of Agriculture, Fisheries and Forestry had established a Women and Life Division and had adopted a number of measures consistent with the Basic Direction for New Policies for Food, Agriculture and Rural Areas, formulated by the Ministry in 1992, and "New Rural Women: Towards the Year 2000", a study published the same year.

11. In its international cooperation programme, the Government of Japan laid great emphasis on women in development. Local authorities had also been very active in promoting measures relating to women. All of Japan's 47 prefectures and 12 major cities had divisions or units responsible for women's issues which had formulated plans of action to promote measures relating to women and had established facilities devoted to the needs of women. As in other countries, non-governmental organizations were very active in Japan.

12. Because of the many measures adopted by the Government, de jure equality had almost been attained in Japan. There continued, however, to be customs, practices and views on the roles of the sexes which were deeply rooted in stereotypes, and the heavy responsibility which women bore for housekeeping and child-care was still a great obstacle to those women who wished to participate more fully in society. In addition, the poor representation of women in the decision-making process had prevented them from achieving full de facto equality.

13. Responding to the general questions posed by the Committee, she observed that, while the status of women had advanced in tandem with the economic development experienced by Japan since the Second World War, complete gender equality had still not been attained. Stereotypes about the roles which men and women should play in the family and in the political, economic, and social spheres were deeply rooted in Japan. One major barrier to the participation of women in economic life was insufficient support for the reconciliation of work and family responsibilities. The Government was seeking to address that problem by encouraging fathers to participate more actively in family and community life. It was impossible, however, to change people's consciousness and attitudes in a short time. The Government was determined nevertheless to press forward with its efforts.

14. Turning to the questions posed on specific articles of the Convention, she said that, since Japan had submitted its initial report, many companies had improved their managerial policies by, inter alia, increasing the number of positions filled on a gender-neutral basis, rectifying the differences which

(Ms. Matsubara, Japan)

existed with respect to the mandatory retirement ages for men and women, and expanding the occupational areas in which women were able to work. A number of discriminatory practices had been identified and addressed. For example, women, who had previously been required to retire at an earlier age than men, could now retire at the same age. Dormitory housing, which had previously been available only to men, was now provided for single women workers. Women were now admitted to vocational training programmes previously closed to them, or programmes of equal quality had been established. The Women's and Young Workers' Offices had also determined that excluding women from being recruited or hired as regular employees was against the guidelines adopted under the Equal Employment Opportunity Law, and issued a directive to put an end to that practice.

15. Despite the satisfactory resolution of those problems, however, discriminatory treatment continued. There were persistent complaints, for example, that only men were recruited for positions requiring technical skills and that promotions were not given to men and women on an equal basis. Moreover, companies sometimes disregarded the guidance given by the Women's and Young Workers' Offices. In the area of recruitment, female students sometimes received discriminatory treatment, such as the practice of some companies of sending job information only to graduating male students. The Women's and Young Workers' Council had therefore called for a revision of the Equal Employment Opportunity Law guidelines and the relaxation of those articles of the Women's Labour Standard Regulations relating to the protection of women, as a means of expanding employment opportunities.

16. In fields other than employment, there had been instances of customs and practices that discriminated against women. Women were often barred from construction sites, and in some regions of the country the right to a plot in the family cemetery was granted only to males. One of the reasons for the persistence of customs and practices which discriminated against women was that people continued to adhere to stereotypes regarding the roles of the sexes. While it was not easy to change such thinking, the Government of Japan would continue to undertake educational and consciousness-raising activities, with the participation of the mass media. Those efforts were having an effect, since surveys indicated that the number of people subscribing to such stereotypes was declining.

17. On the question of recourse to the courts by women whose rights relating to equal opportunity had been infringed, article 4 of the Labour Standards Law made gender-based wage discrimination a punishable offence. Equal opportunity and treatment for men and women in the private sector was guaranteed under the Equal Employment Opportunity Law, except with respect to wages. The law did not provide for the punishment of offenders since, generally speaking, Japanese enterprises respected the law and administrative guidance obtained satisfactory results.

18. Article 33 of the Equal Employment Opportunity Law provided that the Minister of Labour and the Directors of the Women's and Young Workers' Offices could request reports from employers or offer guidance or recommendations to the latter where necessary. Guidance and assistance were given in 2,000 to 3,000 instances each year, with satisfactory results in most cases.

(Ms. Matsubara, Japan)

19. Any individual could have recourse to the courts to assert the rights granted under the law. A large number of cases of sexual discrimination had been brought before the courts, including cases of discrimination with regard to different mandatory ages of retirement for men and women, wage discrimination, and discriminatory promotion policies. The National Public Service Law and the Local Public Service Law laid down the principles of equal treatment to be applied to national public employees and local public employees, respectively. Employers who violated those principles were liable to a fine or imprisonment.

20. As for the activities of the National Women's Education Centre, the goal of the Centre was to contribute to the education of women by organizing practical training for leaders of women's education and by conducting specialized research on women's education. Its activities and research spanned every field relating to the advancement of women, and did not make preparing women for family responsibilities and vocational activities a priority. Its aim rather was the empowerment of women by promoting their participation in public life through the enhancement of their abilities. In some instances, local boards of education and women's facilities provided specialized courses to train women for participation in decision-making. The subjects covered included local autonomy, local government and finance.

21. The Faculty of Liberal Arts of the open university which had been launched in 1983 offered courses in three areas of study: science in daily life, industrial and social studies, and humanities and natural sciences. A bachelor's degree in liberal arts was conferred upon graduation.

22. On the question of the reintegration of women employees into the working world, under the system for re-employing female workers, a woman who had resigned from work for reasons of pregnancy, childbirth or child care, was given special consideration by her former employer if, at the time she left, she had expressed a wish to be re-employed at the same or a related company. The system, which benefited from the advice and guidance of the Government, had proven useful in meeting the growing demand from women who wished to return to the labour market. The Ministry of Labour had promoted the practice of re-employment through a system of grants to employers who met certain conditions. It also promoted a comprehensive support plan for the reconciliation of work and child care in groups of medium- and small-scale enterprises. The plan provided for the dissemination of information, educational activities and guidance to member enterprises to promote the introduction of such practices as child-care leave and reduced working hours for workers responsible for the care of children.

23. In fiscal year 1993, female workers had been re-employed at 19.7 per cent of all enterprises, which represented a 3.1 per cent increase over fiscal year 1988. The low figure was mainly due to the fact that under the practice of lifetime employment, companies recruited employees from among recent university or secondary school graduates and felt that that practice would be disrupted if consideration were also given to workers who had left the workplace several years previously. They also argued that extra expenses were incurred in upgrading the skills of returning workers or ensuring that they retained the skills they had when they left. The current recession in Japan, manifested in rising unemployment rates, was another major deterrent to the adoption of the scheme.

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24. In 1988, there had been 849,200 single-parent households headed by a mother; their average annual income before taxes was 2,020,000 yen. There were 173,000 single-parent households were headed by a father. Several forms of assistance were available to households of mothers and children: loans for educational or other activities; counselling; survivor's pensions, with additional amounts according to the number of children; child-rearing allowances, which rose incrementally with each additional child; and at-home care, which included nursing and meals. The Japanese Government also provided such services as nighttime child care for single-parent households headed by a man.

25. Various arrangements and special allowances had been made for single mothers, including for low-income mothers, a vocational training allowance and the payment of travel expenses for those who received technical guidance at the employment assistance centres for women. An employment development subsidy was also paid to the employers of mothers hired through the public employment security offices. All such measures were available to mothers irrespective of marital status.

26. Unfortunately, no records had been kept of the age, gender or numbers of participants in Women's Week. The majority seemed to be women, middle-aged or older; men were also participating in growing numbers. In the view of the Ministry of Labour, it was important to attract a wider variety of people, including, in particular youth and men, so as to raise awareness throughout society. Efforts were under way to modify the programme of activities for Women's Week, based on the views of the Committee and the findings of public opinion polls.

27. The month of June had been designated Equal Employment Opportunity Month, for the purpose of promoting social awareness with regard to the Equal Employment Opportunity Law; large numbers of men in managerial positions had participated. The Ministry of Labour had also set up a panel meeting to promote an exchange of views on how to solve societal problems arising from stereotypes about sex roles, and how to create a society in which both men and women could live fulfilling lives. The panel had produced five proposals dealing with ways of challenging traditional values and of creating a society that valued individual choice. Those proposals had been publicized in both the public and private sectors.

28. Regarding article 5, one of the targets of the New National Plan of Action was the modification of traditional sex-role stereotypes. Concerned ministries and agencies had been carrying out consciousness-raising and public relations activities, and had endeavoured to foster attitudes conducive to gender equality in the mass media. The Ministry of Education had developed a curriculum designed to teach students about gender equality and understanding between the sexes, and had instituted a programme to dismantle sex-role stereotypes in the family and the community. The Prime Minister's Office held annual national and regional conferences to explore the theme of creating a society in which men and women participated actively together. In 1949, the Ministry of Labour had instituted Women's Week, which consisted in consciousness-raising activities to promote the advancement of women. Furthermore, the Ministry of Justice had chosen the advancement of women as a priority theme of Human Rights Week.

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29. Consequently, attitudes in Japan had begun to change. A 1992 public opinion poll showed that fewer people agreed that the husband should work and the wife stay at home. The proportion of women who believed that women should not hold jobs had fallen since the previous poll, and the proportion of those who agreed that women should continue working even after childbirth increased substantially. Men, too, were shown as accepting the notion that women could both work and raise children. The numbers of men and women who believed that only through marriage could a woman achieve happiness had dramatically decreased. Finally, the poll demonstrated that women had become considerably more ambitious in the workplace while men had become slightly less so.

30. At present there were no legal measures to combat sexual harassment. But in order to allow women workers the full play of their abilities in the workplace, the attitudes of male supervisors and colleagues must be changed. Although efforts were made to enforce the Equal Employment Opportunity Law, problems continued to occur. In 1991 the Ministry of Labour had established a study group to explore the problem of sexual harassment. Based on its report, sexual harassment had been defined as conduct that placed the recipient at a disadvantage in fulfilling her task owing to unwanted verbal or physical contact of a sexual nature; a campaign had been launched to enhance public understanding of that problem. Educational activity in the workplace emphasized that the notion of sexual harassment was unacceptable, and that it was incumbent on businesses to work towards eliminating it, including implementing preventive policies. In a well-known civil suit, a district court judge had ordered the victim's employer to pay damages and to acknowledge that he had induced her resignation by spreading false rumours and thereby injuring her reputation. In several other cases, the person found guilty of harassment had been forced to acknowledge responsibility.

31. The third periodic report had provided information on crimes of which women were victims. According to statistics on family violence compiled by the National Police Agency in 1992, of some 21,000 cases of bodily injury and violence, in 303 cases the victim was the criminal's wife and in 442 cases the victim was the criminal's son or daughter. Of 1,225 cases of rape, in only 5 was the victim the criminal's daughter, and of the 2,576 cases of sexual assault, in only 2 was the victim the criminal's daughter. Although the Japanese Criminal Code made no particular provision for punishment of maltreatment of a spouse, the use of violence, the infliction of bodily injury, abduction, confinement and rape were all criminal acts.

32. With reference to article 6, the decline in the number of arrests for prostitution-related crimes was attributable to the development of new and more sophisticated forms of prostitution, which had proven more difficult to track. There were three basic types of prostitution in Japan: street prostitution, controlled prostitution, and dispatch prostitution. The latter, which functioned via a network of "date clubs", had been, since 1989, the most popular form. The manager of such clubs operated from secret offices; notices were posted on the walls of phone booths. When orders were placed, prostitutes were sent to locations designated by customers. Such tactics as the use of portable telephones, call forwarding and pagers had thwarted investigative efforts. Though in Japan there was much documentation on violence, no statistical record of the incidence of violence against prostitutes existed.

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33. Profiting in a direct or indirect manner from prostitution committed by others was prohibited in Japan, and the exploitation of such acts was punishable. Official organizations never forced women into prostitution. Although the Government did not provide compensation for women forced into prostitution either by individuals or private organizations, it had established the following policies: firstly, women who had committed such acts as public solicitation for the purposes of prostitution were sent to a women's guidance home, which provided vocational training, counselling and medical services aimed at overcoming mental and physical problems related to prostitution. Secondly, girls who had committed acts of sexual delinquency, such as violation of the Anti-Prostitution Law, were sent to juvenile reform schools, where they received group counselling. There were also personal and work-related counselling services for women engaged in prostitution, which also provided housing.

34. The Anti-Prostitution Law, enacted on 24 April 1956, declared that prostitution impaired human dignity, ran counter to sexual morality, and corrupted the morals of society. While that law stated that no person should engage in prostitution or receive the services of a prostitute, it contained no provision for the punishment of such acts. Sanctions were imposed, however, for a variety of acts related to the promotion of prostitution, such as procurement, engaging in acts of prostitution in public, profiting from prostitution, advancing loans to women to encourage them to enter prostitution, contracting with a woman to engage in prostitution and furnishing a location for the performances of such acts. It also provided for the guidance and rehabilitation of women who, judging by character, behaviour and environment, were deemed likely to engage in prostitution.

35. With respect to article 7, one of the five basic targets of the 1977 National Plan of Action was participation in society by men and women on equal terms, and in particular the promotion of participation by women in decision-making bodies. Government policy aimed at promoting participation by women in government, and seeking cooperation from local administrations as well as from political, economic and social organizations to that end. Japan had taken measures to appoint more women to advisory positions, and had set an initial target of 10 per cent representation. Although a slight increase in the number of women in governmental advisory councils had occurred, results had fallen well short of the goal. Japan had been promoting the employment of women as civil servants, had expanded their activities and duties, and had developed training and study opportunities for them. While in 1975 there had been 12 job categories in the national service that restricted the participation by women in recruitment examinations, by 1981 only one job category had still retained such restrictions. As a consequence of that change, the number of women recruited for the national service had risen substantially.

36. The 1987 National Plan of Action again set the participation of women in policy decision-making as one of its basic objectives, and raised the target rate for representation by women in national Advisory Councils to 15 per cent by the year 2000. By 1989 Japan had abolished all restrictions on women entering the national service. The revised 1991 Plan had moved the target year for 15 per cent representation to 1995. By 1993, representation had risen to almost 11 per cent.

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37. Clearly, women must participate in political life if their views were to be reflected in governmental policy. Election turnout showed that women were as interested in politics as men. As of July 1993, there were 14 women in the House of Representatives and 38 in the House of Councillors; a woman had been elected as Speaker of the House of Representatives. Women now accounted for 6.8 per cent of the total membership of the Diet. The low level of representation by women, as compared to that of other countries, could be explained by the persistence of sexual stereotypes. Such notions accounted for the low number of women who aspired to such positions. It was also significant that Japanese women had only recently begun to seek leadership roles. An opinion poll had shown that the majority now agreed that more women should be members of the Diet, which indicated that stereotypical attitudes toward gender were changing.

38. Since the date of the third periodic report, the proportion of women in national advisory Councils had risen to 10.7 per cent. Members designated subject to their official posts accounted for 3.1 per cent, those recommended by organizations accounted for 4.9 per cent, and 13.1 per cent were other members. Those figures were particularly low, especially in the first two categories. The proportion in the first category was low because a small number of women held senior public posts; and in the second category, few women were in leadership positions in those organizations. A request had been issued for cooperation in recommending more women candidates to advisory councils and in promoting women within their own organizations. For the achievement of the target of 15 per cent by 1995, set out in the revised New National Plan of Action the Prime Minister had been working to collect and disseminate information on suitable women candidates. Although still quite low, the proportion of women in statutory advisory councils had risen slightly in the previous year, from 9.6 to 10.2 per cent. The fact that few Japanese women played active roles in public life or possessed the knowledge or qualifications to serve in Government, accounted for that low figure. The proportion of women who were members of political parties, and who occupied leadership positions in those parties were, as of 1993, respectively: 37.6 per cent and 1.2 per cent in the Liberal Democratic Party; 17.7 per cent and 12.5 per cent in the Social Democratic Party; 44.8 per cent and 7.3 per cent in Komeito; 6.1 per cent and 4.2 per cent in the Democratic Socialist Party; 38.3 per cent and 18.0 per cent in the Japanese Communist Party; and 18.8 per cent and 18.1 per cent in the Japan New Party. Although the Japanese Government had not formulated new legislative measures or guidelines in that area, the expansion of women's participation in all fields, including politics, was a priority.

39. Membership by women in trade unions had increased from 27.6 per cent to 28.2 per cent between 1989 and 1993. Since there existed no data on which to calculate the proportion of women in executive positions in trade unions generally, the Japanese Trade Union Confederation would suffice as an example: of its 8 million members, women represented 27 per cent of the total membership in 1993 and 5.7 per cent of union executives, up from 4.6 per cent the previous year. The Confederation was attempting to achieve a 15 per cent target for women in such positions by the year 2000, and a woman had been appointed Vice-President for the first time in 1993.

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40. With regard to article 8 of the Convention, women had since 1991 been permitted to take the examination for the National Defence Academy, and 71 had been admitted since 1992, or 7.5 per cent of the total number of students. Since 1993, women had been allowed to apply also to the Maritime and Air Self-Defence Forces, and a number had been admitted.

41. Women represented almost 15 per cent of the approximately 5,000 officials in the Ministry of Foreign Affairs; 26 of them filled high-level diplomatic posts, 144 were foreign service officers, and others served as public service officials, having been seconded from other ministries as well as the private sector. Indeed, the majority of those who had passed the foreign service examination in 1993 had been women, in response to active recruitment by the Ministry. Japan also had four women ambassadors. As of June 1993, half of Japan's United Nations Secretariat personnel were women, and above the D-1 level three were women and five were men.

42. With regard to article 10 of the Convention, more women were participating in non-traditional fields like physics, agriculture and technology, owing to changing attitudes towards gender. No special measures had been taken by the Ministry of Education, but it was making efforts to develop awareness of the equality of men and women at each grade level in elementary and secondary schools and to have guidance counsellors dispel preconceived gender-related notions about courses of study.

43. With regard to specialized education and "open" courses, almost 4,000 university extension courses for adults had been offered in about 400 universities, with close to 500,000 participants, about 113,000 of them men and 134,000 women. The course offerings were in specialized fields like health, the environment, ageing, international relations, or cultural subjects. The "open" courses offered by the Ministry of Education since 1988, utilizing the specialized education facilities of high schools and training institutes were open to adults who needed specialized knowledge and vocational skills. Beginners' courses were offered in such subjects as word processing, local history and culture, traditional crafts or calligraphy, and specialized courses were offered in biotechnology, computer graphics, food hygiene and the like.

44. The 1989 reform of the national elementary and secondary school curricula had established the same standards for girls as for boys, and both were expected to take subjects such as home economics, woodwork and electricity as well as required electives in areas like metal work, machine operation, horticulture, nursing, and basic science.

45. The National Women's Education Centre, whose women's studies programme had been commended by the Committee, was planning to expand its efforts not only in Japan but also in other countries, in cooperation with interested researchers, institutions and organizations.

46. Just as the required elementary and secondary school curricula sought to develop student awareness of the equality between women and men through social studies, moral education and special activities at each grade level, special efforts were also being made to hold curriculum classes for teachers in each area or prefecture to make them aware of the purpose of the national course of study.

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47. With regard to article 11 of the Convention, the data provided in the reports were not gender-specific concerning remuneration for the same jobs, since employment of men and women usually varied from industry to industry and occupation to occupation, and according to level of qualification. Workers with the greatest seniority, and therefore presumably more skill and experience, received the highest remuneration, and women were at a disadvantage because of their much lower average length of service and level of skill, and also because they worked in lower-paying jobs. In order to narrow the remuneration gap caused by differences in average length of service, the Government was trying to find ways of allowing women with family responsibilities to continue to work without interrupting their careers. In order to narrow the gender gap in fields of employment, it sought to ensure for both men and women equal opportunity and treatment in the workplace. Female college graduates were being encouraged to consider non-traditional occupations, and relevant manuals were to be issued also for high school students. The Government also planned to encourage employers to alter their personnel policies and create working environments that were more attractive to women.

48. With regard to the principle of equal pay for equal work, article 4 of the Labour Standards Act prohibited and penalized wage discrimination based on gender, in accordance with the International Labour Organization (ILO) Equal Remuneration Convention. Labour standard inspectors investigated violations of article 4 reported through complaints or inspections, and they could issue administrative guidance to any enterprise not in compliance with the law. There were also many instances in which damages had been awarded as the result of lawsuits brought directly in court.

49. In Japan, wages were determined not through negotiations between employers and trade unions or occupational groups, but through negotiations within individual enterprises. Remuneration consisted of basic wages and allowances, and the basic wages depended both on personal factors like age, academic background, length of service and level of skills, and on job-related factors like the difficulty and responsibility of the work involved. Most enterprises combined both sets of factors in one basic wage scale, and consequently, under the Japanese system, it would be very difficult to apply the Committee's general recommendation No. 13 urging equal remuneration for work of equal value and evaluation systems based on gender-neutral criteria. Accordingly, the Government was not considering the introduction of such a system.

50. The Industrial Safety and Health Act, rather than the Labour Standards Act addressed issues of safety and health in the work place. Employers must not only comply with minimum standards for preventing industrial accidents, but must establish a comfortable working environment and improved working conditions. The employer was required to appoint general safety and health officials, an industrial physician and an operations chief, and to establish safety and health committees to monitor conditions and educate workers on safety and health issues. Potentially dangerous operations or the manufacture of dangerous substances required advance permission from the Labour Minister and were subject to inspection. Violations were punishable by imprisonment or a fine.

51. Of the women working in agriculture, forestry or the fishing industry, 19 per cent were self-employed, 74 per cent were family workers and 7 per cent were employees. Thus, safety measures and working conditions tended to be

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poorly controlled. To remedy the situation, the Ministry of Agriculture, Forestry and Fisheries, through its agricultural extension service, sponsored activities such as consciousness-raising and training to improve labour conditions, the organization of mutual labour assistance programmes, the establishment of model forms which took into account the health of women and the elderly, and the development of guidelines for labour management. Women in those fields were protected by all applicable labour laws, including those covering labour standards, minimum wages, occupational health and safety and workmen's accident compensation insurance. Women constituted 60 per cent of the labour force in agriculture, 30 per cent in forestry, and 20 per cent in the fishing industry, yet very few were the primary family breadwinners. Moreover, because of the seasonal nature of such industries and the unstable income women faced particular problems in balancing their management and household responsibilities. The Ministry consequently offered extension programmes in farm management, household bookkeeping, family budget analysis and the like. Another problem was the undefined role of women on family farms and in forestry and fishery operations, where the male head of household was usually the decision-maker. The Ministry encouraged household agreements to clarify such situations.

52. The unemployment situation in the country as a whole was deteriorating because of the prolonged recession: the unemployment rate had risen to 2.8 per cent in November 1993, and the ratio of job openings to applicants had decreased to 65 per cent. The Employment Insurance Scheme provided unemployment benefits regardless of sex, and encouraged the unemployed to find new jobs. The basic allowance was paid for a period of from 90 to 300 days at between 60 to 80 per cent of wages, and under certain circumstances benefits could be extended. The unemployed were ensured a minimum standard of living. In December 1993, a task force on employment headed by the Vice-Minister of Labour had devised a comprehensive programme designed to prevent unemployment by helping enterprises to retain employees, promoting re-employment of jobless people and encouraging the creation of new job opportunities. The Government had also established a cabinet-level headquarters for the planning of emergency employment measures, headed by the Prime Minister.

53. With regard to the pension system, the Japanese public pension scheme comprised national pension schemes providing universal coverage, the Employees' Pension Insurance for salaried workers in the private sector, and the Mutual Aid Association pension scheme providing supplementary benefits to national and local government staff. Pursuant to the pension reform of 1984, the benefits under the two latter schemes were in the process of being equalized. Public pension schemes were to be unified by 1995.

54. Regarding the status of the family leave scheme, in 1993 approximately 16 per cent of firms with 30 or more employees and 52 per cent of those with 500 or more had introduced the scheme. In July 1992, the Ministry of Labour had established guidelines for the family leave scheme, stipulating the minimum arrangements a company should make for family leave and for the reduction of the working hours of an employee with family responsibilities. Male and female workers alike should be covered, leave could be requested for the care of a spouse, parents, parents-in-law and children, the minimum period of leave should be three months, and employees should be allowed to choose between taking leave or, alternatively, having off-duty time, a flexible working hours system or

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staggered hours. The Ministry had been promoting the guidelines through a series of symposiums, conferences and study meetings. The Government had undertaken expert studies intended to determine the range of persons for whose care leave might be taken, and on the basis of those technical studies would consider drafting legislation.

55. With regard to article 16 of the Convention, a national advisory commission had begun reviewing all marriage and divorce provisions under the Civil Code. Furthermore, a subcommittee of the Legislative Council, the advisory body to the Ministry of Justice, had in January 1991 resumed its consideration of the section on marriage, and subsequently the Ministry of Justice had published an interim report on the provisions pertaining to marriage and divorce. Consideration was being given to such issues as legal requirements for marriage and nullification, valid surnames for husband and wife, grounds for divorce and divorced parents' rights vis-à-vis children and distribution of property. In October 1993, the Ministry of Justice had published responses it had received from the legal and academic professions, administrative organs, women's organizations, labour unions and consumer groups, and they were being taken into account in the continuing deliberations of the subcommittee.

56. The CHAIRPERSON observed that the replies of the Japanese representative showed that significant progress had been made in the advancement of women in Japan. The country's transformation into one of the major world economic powers and a move away from a millennial traditionalism had had an impact on its women.

57. The Committee had received many reports from Japanese non-governmental organizations countering the report submitted by the Government, and in a sense that was a good development because it showed, first, that women were mobilizing and, secondly, that a genuine democracy prevailed in the country.

58. The information provided on articles 5, 6 and 11 showed that work still needed to be done in Japan in the areas in question. There was no question, however, that Japan was intent on fulfilling its treaty obligations.

59. Ms. TALLAWY said that great changes were taking place in Japan, including changes in the status of women. She was gratified that after the most recent change of government there were three women ministers. Women could share the credit for Japan's remarkable economic success. She was also impressed by the active role of non-governmental organizations in Japan.

60. A substantial portion of both the second and third reports consisted of tables and statistics. In future reports, there should be a full analysis of such statistics, and of the obstacles that had been encountered and possible solutions.

61. In relation to article 4 of the Convention, there was very little information in the reports about temporary special measures; she hoped that the Japanese Government would make greater use of such measures, particularly since it had ratified the Convention without any reservations.

62. With regard to article 11, she felt that more needed to be done in the area of employment, especially among companies in the private sector which tried to

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bypass Japanese legislation by having two separate career tracks, a career track and a general track. More attention also needed to be given to the conditions of part-time employment, and to disparities in wages.

63. The efforts that were being made to change curricula and textbooks should, in the light of article 10, be extended to broader areas than those mentioned in the report.

64. There still seemed to be some problems with regard to article 16; more information needed to be given in the next report. Greater attention needed to be given to such questions as the enforcement of child support payments and recognition and registration of children born out of wedlock.

65. Since women were in the majority in Japan, and life expectancy was very high, the elderly population, especially women, needed to be taken into account and research needed to be carried out on such matters as medical treatment and nursing homes. She hoped that the Government of Japan would include those points in its next report.

66. Japan, as the largest donor of official development assistance, should start providing some assistance for women's issues.

67. Ms. QUINTOS-DELES said that she welcomed the alternative reports provided to the Committee by Japanese NGOs. It was disappointing that the official report did not give any serious treatment to the problems and issues which the women of Asia had been trying to raise with the Japanese Government, especially women from those countries which, because of current or past economic conditions, had at some point opened their territories to the scourge of sex tourism.

68. If the Government of Japan wished to comply fully with its obligations under the Convention, it must address the problems of foreign women who entered Japan to work in the sex industry, often suffering horrific exploitation and abuse, and the problems caused by Japanese men who travelled to other countries on sex tours. There were also problems of the status of foreign women and their children, and of women married to Japanese men, especially mail-order brides, many of whom lived in remote farming areas. A further issue was the compensation that needed to be given to elderly women in different parts of Asia who had been forcibly recruited as comfort women for the imperial army during the Second World War. Many women had been seriously affected by Japanese policies, programmes and lifestyles, and the tragedies that had occurred would last beyond the current generation.

69. Ms. ILIC said that, in relation to article 16, there was a reference in the third periodic report to a review of the Civil Code. She asked when the review would be completed and what steps would be taken after that.

70. Ms. GARCIA-PRINCE said that it was regrettable that the Japanese Government had not adequately consulted NGOs in the preparation of its reports. Furthermore, although the third periodic report referred to positive changes, there was no information on developments with regard to some of the problems that had been mentioned in the first and second reports.

(Ms. Garcia Prince)

71. The reports clearly showed that development in no way ensured equality; there was an urgent need for the Japanese Government to bring gender issues into the mainstream of development. Although progress had been made in the living conditions and material welfare of Japanese women, there had been little progress in respect of the position of women within the Japanese social structure. The Japanese Government should take forceful measures to improve the position of Japanese women in the areas of power and decision-making. Women's share of power was minuscule compared with that of women in other countries with a far lesser degree of socio-economic development. The Japanese Government also needed to take up the problem of the constant law evasion by employers.

72. Ms. CARTWRIGHT said that Asian and other women who had been forced into prostitution during the Second World War should not have to seek compensation on a case-by-case basis and be re-traumatized. She asked what measures were to be taken to assist those women.

73. On the subject of sex tourism, which involved men from many countries, she called on the Japanese Government to discourage the practice and to take measures to stop sex tours, and particularly to ensure that companies no longer arranged such tours as gifts for Japanese men.

74. She asked whether there was any nationally organized screening programme for the early detection and eradication of cervical and breast cancer.

The meeting rose at 6 p.m.